



Vermont Department of Education
120 State Street
Montpelier, VT 05620-2501

Vermont Department of Health
108 Cherry Street
Burlington, VT 05401

To: Vermont School Boards, Superintendents and Principals

From: Shevonne Travers, Student Support Division Assistant Director, Department of Education
Don Swartz, M.D., Medical Director, Department of Health

Cc: Richard H. Cate, Commissioner, Department of Education
Sharon Moffat, Acting Commissioner, Department of Health

Date: July 24, 2007

Re: **Act 158: An Act Relating to Life-Threatening Allergies and Chronic Illnesses in Schools**

Every school district should expect at some point to enroll a student with a life-threatening allergy or chronic illness.¹ Pursuant to Act 158, we are writing on the behalf of Commissioner Cate and Commissioner Moffat to inform you of your duties as a school board of a school district for students with life-threatening allergies and chronic illnesses and to point you to existing legal and technical resources.

The School Board shall assign an employee to annually:

- (A) inform parents of students with life-threatening allergies and chronic illnesses of applicable provisions of Section 504 of the Rehabilitation Act of 1973 and other applicable federal statutes, state statutes, federal regulations, and state rules;
- (B) inform appropriate school staff of their responsibilities; and
- (C) provide necessary training to carry out these responsibilities.

The attached chart provides a list of related statutes, rules, model policies and guidelines that you may want to consider when preparing to serve students with these conditions. This chart is not intended to be either exhaustive or to replace consultation with legal counsel for your district.

We hope that you find the attached chart helpful in meeting the needs of students with life-threatening allergies and chronic illnesses that are enrolled in your school. If you have questions, please contact the department of education employee referenced next to the relevant topic in the attached chart. We thank you for your attention to this matter.

¹ Some examples of a "life-threatening chronic illness" include asthma, diabetes, and epilepsy.

Act 158: An Act Relating to Life-Threatening Chronic Allergies and Illnesses in Schools

Responsibility: Notifying parents of school's responsibilities			
Citation or Source	Live Link	Notes	Contacts for Further Information
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 (Section 504)	http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html	See 34 CFR 104.8(a) and 104.32(b).	Beverly Heise, ESS Consultant 802-828-0551
Section 504 and Vermont Schools Manual	http://www.state.vt.us/educ/new/pdfdoc/pgm_spед/laws/504_guide.pdf	See page 13.	Beverly Heise, ESS Consultant 802-828-0551
Individuals with Disabilities in Education Improvement Act (IDEIA)	http://www.state.vt.us/educ/new/pdfdoc/pgm_spед/laws/special_ed_guide_03_0829.pdf ;	IDEIA procedural compliance will cover Section 504 compliance.	Troy McAllister, Special Education Consultant 802-828-1239
Responsibility: Provide training to school staff			
Citation or Source	Live Link	Notes	Contacts for Further Information
Section 504	http://www.ed.gov/about/offices/list/ocr/docs/edlite-FAPE504.html ; http://www.ed.gov/about/offices/list/ocr/docs/hq5269.html	May be necessary pursuant to Section 504 in order to provide "related aids and services."	Beverly Heise, ESS Consultant 802-828-0551
IDEIA	http://www.copyright.gov/legislation/pl108-446.html	May be necessary pursuant to IDEIA in order to provide "related services."	Troy McAllister, Special Education Consultant 802-828-1239
Standards of Practice: School Health Services Manual	http://education.vermont.gov/new/html/pgm_coordhealth/publications/health_services_manual_05.html	<ul style="list-style-type: none"> • Allergies – Life Threatening • Delegation • First Aid • Medications • Students With Special Health Needs 	Shevonne Travers, Assistant Director, DOE Safe and Healthy Schools 802-828-0570
USDA Guidelines for School Nutrition Programs	http://www.fns.usda.gov/cnd/Guidance/accommodating_children.doc	See p. 1-5, 18-19, 25-26	Jo Busha, Child Nutrition Programs Coordinator 802-828-5154
Responsibility: Identifying students with these conditions			
Citation or Source	Live Link	Notes	Contacts for Further Information
Section 504	http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html	See "child find" requirements at 34 CFR 104.32.	Beverly Heise, ESS Consultant 802-828-0551
Vermont State Board Special Education Rules implementing federal IDEIA	http://www.state.vt.us/educ/new/pdfdoc/board/rules/2360.pdf	Some of these students may qualify for special education under "other health impaired" (see VT Rule 2362.1(g) or other qualifying disability categories. See IDEIA "child find" requirements at 2360.3.4.	Troy McAllister, Special Education Consultant 802-828-1239

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Standards of Practice: School Health Services Manual	http://education.vermont.gov/new/html/pgm_coordhealth/publications/health_services_manual_05.html	Students With Special Health Needs	Shevonne Travers, Assistant Director, DOE Safe and Healthy Schools 802-828-0570
Responsibility: Gathering information and evaluating			
Citation or Source	Live Link	Notes	Contacts for Further Information
Section 504	http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html	34 CFR 104.35(a).	Beverly Heise, ESS Consultant 802-828-0551
Section 504 and Vermont Schools Manual	http://www.state.vt.us/educ/new/pdfdoc/pgm_spед/laws/504_guide.pdf	See page 17.	Beverly Heise, ESS Consultant 802-828-0551
IDEIA	http://www.state.vt.us/educ/new/pdfdoc/pgm_spед/laws/special_ed_guide_03_0829.pdf		Troy McAllister, Special Education Consultant 802-828-1239
Standards of Practice: School Health Services Manual	http://education.vermont.gov/new/html/pgm_coordhealth/publications/health_services_manual_05.html	Health Appraisal of Students and Medical/Central Home	Shevonne Travers, Assistant Director, DOE Safe and Healthy Schools 802-828-0570
Responsibility: As necessary, developing individualized plans			
Citation or Source	Live Link	Notes	Contacts for Further Information
Section 504 and Vermont Schools Manual	http://www.state.vt.us/educ/new/pdfdoc/pgm_spед/laws/504_guide.pdf	See attachment H.	Beverly Heise, ESS Consultant 802-828-0551
IDEIA	http://www.state.vt.us/educ/new/pdfdoc/pgm_spед/laws/special_ed_guide_03_0829.pdf		Troy McAllister, Special Education Consultant 802-828-1239
Standards of Practice: School Health Services Manual	http://education.vermont.gov/new/html/pgm_coordhealth/publications/health_services_manual_05.html	Allergies – Life Threatening ; Delegation ; Medications ; Students With Special Health Needs including Individualized Health Care Plans	Shevonne Travers, Assistant Director, DOE Safe and Healthy Schools 802-828-0570
USDA Guidelines for School Nutrition Programs	http://www.fns.usda.gov/cnd/Guidance/accommodating_children.doc	Federal school lunch program requires making substitutions for students unable to eat regular meals because of disability; incorporates Section 504. See p. 1-5, 18-19, 25-26.	Jo Busha, Child Nutrition Programs Coordinator 802-828-5154
Responsibility: As necessary, provision of services and or accommodations			
Citation or Source	Live Link	Notes	Contacts for Further Information
Section 504 ¹	http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html	See 34 C.F.R. 104.33 and 104.37.	Beverly Heise, ESS Consultant 802-828-0551
IDEIA	http://www.copyright.gov/legislation/pl108-446.html	Section 602(33) and Section 622(b)(2)(ii)	Troy McAllister, Special Education Consultant

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			802-828-1239
Standards of Practice: School Health Services Manual	http://education.vermont.gov/new/html/pgm_coordhealth/publications/health_services_manual_05.html		Shevonne Travers, Assistant Director, DOE Safe and Healthy Schools 802-828-0570
Act 157 Educational Support System (ESS)	http://www.state.vt.us/educ/new/html/pgm_ess/laws.html ; see also http://www.vtvsba.org/policy/g7.htm	Requires a range of supports and remedial services to be made available	Beverly Heise, ESS Consultant 802-828-0551
16 VSA §1222; model transportation policy; Section 504 and Vermont Schools Manual	http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=027&Section=01222 ; http://www.vtvsba.org/policy/f9.htm ; http://www.state.vt.us/educ/new/pdfdoc/pgm_sped/laws/504_guide.pdf	If school district provides transportation pursuant to its transportation policy, determine whether transportation related aids and services are needed. See page 16 in Manual.	Beverly Heise, ESS Consultant 802-828-0551 and Troy McAllister, Special Education Consultant 802-828-1239

Responsibility: As necessary, emergency response, including but not limited to administering emergency medications

Citation or Source	Live Link	Notes	Contacts for Further Information
Section 504	http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html	See 34 CFR 104.33 and 104.37.	Beverly Heise, ESS Consultant 802-828-0551
IDEIA	N/A		Troy McAllister, Special Education Consultant 802-828-1239
Standards of Practice: School Health Services Manual	http://education.vermont.gov/new/html/pgm_coordhealth/publications/health_services_manual_05.html	See Allergies – Life Threatening including Emergency Health Care Plan; EpiPen Directions; Delegation ; Medications including Sample Policy on Administration of Medications and Medications Protocol for Field Trips.	Shevonne Travers, Assistant Director, DOE Safe and Healthy Schools 802-828-0570
VSBE Rule 4220	http://www.state.vt.us/educ/new/pdfdoc/board/rules/4100.pdf	Requires written orders from a physician detailing the name of the drug, dosage, time interval, diagnosis and reasons for administering medication at school; opportunities for communication with pupil, parent and physician.	Shevonne Travers, Assistant Director, DOE Safe and Healthy Schools 802-828-0570

Responsibility: Grievance procedures available

Citation or Source	Live Link	Notes	Contacts for Further Information
Section 504	http://www.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html	See 34 CFR 104.7	Beverly Heise, ESS Consultant 802-828-0551
IDEIA	http://www.state.vt.us/educ/new/pdfdoc/board/rules/236	Rule 2365.1.2 "Procedural	Troy McAllister, Special

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ⁱ As a place of public accommodation, schools must also comply with the Americans with Disabilities Act.